

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MUDDY WATERS CAPITAL LLC,

Plaintiff,

v.

JOHN DOES 1-10,

Defendants.

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Case No.:

Related Action: 3:19 Civ. 1293-SK (N.D. Cal.)

**NOTICE OF MOTION**

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Plaintiff's Motion to Compel Discovery from Third-Parties Bank of America Corporation and Merrill Lynch Professional Clearing Corporation; the Declaration of Jordan Fletcher, dated December 10, 2019, with the exhibits thereto; and the Declaration of Scott Devinsky, dated December 10, 2019, with the exhibit thereto, plaintiff Muddy Waters Capital LLC ("MWC"), by its undersigned counsel, will move this Court, at a date and time to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 45(d)(2)(B)(i):


- (1) compelling third parties Bank of America Corporation ("BAC") and Merrill Lynch Professional Clearing Corporation ("MLPro") to produce, prior to February 17, 2020, all documents and testimony called for by MWC's subpoenas to BAC and MLPro, regardless of the location and immediate custodian of such materials, and in particular those records in the direct custody of Merrill Lynch International which identify the name, address, and contact information of the counterparty purchasers in the December 15 Transactions (as defined in MWC's subpoenas), together with the trade times, dates, and quantities of bonds purchased in those

trades; and

- (2) awarding such other relief as the Court may deem just and proper.

Dated: New York, New York  
December 10, 2019

**FLETCHER LAW, PLLC**

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